

GUIDE ON LEAVE ADMINISTRATION

All authorized leave, except military leave will be used and earned in multiples of 15 minute increments. Military leave must be taken in one hour increments. Absence-Without-Leave (AWOL) will only be charged for the actual period of unauthorized absence.

1. Annual Leave.

Annual leave must be scheduled and approved in advance. Priority may be given to the scheduling of annual leave for those employees who have "use or lose leave". If a leave request must be denied due to workload demands, then the supervisor should make reasonable efforts to arrange an alternative schedule for leave with the employee.

Any accrued annual leave in excess of the maximum leave carryover will be forfeited if not used within the current leave year. Employees must properly schedule all "use or lose" leave at least three pay periods prior to the end of the leave year. Supervisors will tentatively approve annual leave subject to the work requirements of the organization.

Requests for advance annual leave may not exceed the amount of annual leave that an employee will accrue during the current leave year. Advance leave that exceeds three days must be approved by Associate Directors (ADs) or Managers of Office of Science (SC) Site Offices, Chicago Office (CH), or Oak Ridge Office (OR), with concurrence from Human Resources (HR).

If an employee's annual leave was forfeited because it was in excess of the maximum leave carryover ceilings, the amount of forfeited leave may, with approval of the ADs or Managers of SC Site Offices, CH, or OR, and concurrence from HR, be restored under the following conditions:

- a. Administrative Error. Loss of leave through no fault of the employee (e.g., timekeeper error, automated system failure, etc.).
- b. Exigency of the Public Business. An unforeseen work requirement arising late in the leave year that it is of such urgency that properly scheduled leave will have to be cancelled even though it is subject to forfeiture. The ADs or Managers of SC Site Offices, CH, or OR determine that such exigency exists.
- c. Sickness. Scheduled leave was forfeited because of a period of absence due to an employee's sickness or injury that occurred late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use or used "in lieu of" sick leave before the end of the leave year.

2. Sick Leave.

A maximum of 30 days of advance sick leave may be requested by a full-time employee with a medical emergency or for purposes related to the adoption of a child. A medical certificate is required to approve advance sick leave in excess of

three workdays. Advance leave that exceeds three days must be approved by ADs or Managers of SC Site Offices, CH, or OR, with concurrence from HR.

For absences in excess of three days, a medical certificate or other administratively acceptable evidence is required. For periods of less than three days, a medical certificate may be required when an employee has been properly notified in writing.

An employee may request sick leave for:

- a. Personal Medical Needs. An employee may use sick leave when they:
 - (1) are incapacitated for duties by physical or mental illness, injury, pregnancy, or childbirth;
 - (2) receive medical, dental, or optical examination or treatment;
 - (3) would, as determined by a health care provider, jeopardize the health of others by their presence on the job or because of exposure to a communicable disease.
- b. Family Care. An employee is entitled to use sick leave in the amounts indicated below, to provide care for a family member or for bereavement purposes. A family member is defined as: spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
 - (1) General Family Care or Bereavement. A full-time employee may use up to 104 hours of sick leave (including advance sick leave) each leave year for family care or bereavement purposes. Part-time employees are also covered, but the amount of sick leave permitted is pro-rated based upon their scheduled tour of duty. Sick leave for this purpose may be used to:
 - (a) Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth.
 - (b) Provide care for a family member as a result of medical, dental, or optical examination or treatment.
 - (c) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.
 - (2) Adoption. An employee may use sick leave for purposes related to the adoption of a child, excluding absence from work to bond with or care for an adopted child. Examples of absences that are allowed:
 - (a) appointments with adoption agencies, social workers, and attorneys;
 - (b) court proceedings;
 - (c) required travel;

(d) any other activities necessary to allow the adoption to proceed.

3. Family and Medical Leave Act (FMLA) of 1993.

a. An employee (full and part-time), who has completed at least 12 months of service, not required to be 12 recent or consecutive months, is eligible for twelve administrative workweeks of unpaid leave during any 12-month period. This is the maximum amount, regardless of the number of conditions that entitle an employee to take Leave Without Pay (LWOP) under FMLA. The twelve weeks may be taken on an intermittent or on a reduced leave schedule basis with supervisory approval. An employee's request for FMLA should be submitted on an Office of Personnel Management (OPM) 71 or through the automated system in the Automated Time Attendance and Production System (ATAAPS) at Employee Self Service. Medical certification must be provided and the request approved by the supervisor with concurrence from HR.

b. Acceptable reasons for entitlement to FMLA:

- (1) Birth and care of a newborn child, up to one year after birth. If leave is started prior to the birth, then the 12-month period starts on the day leave began.
- (2) Placement of a child with the employee for adoption or foster care, for up to one year from date of placement.
- (2) Care of a family member with a serious health condition. This includes: spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- (3) A serious health condition of the employee that makes the employee unable to perform the essential functions of the position to which assigned.

c. Serious Health Condition. The term "serious health condition", e.g., cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, etc.) is not intended to cover short-term conditions for which treatment and recovery are very brief.

- (1) A full-time employee may use up to 12 weeks (480 hours) of sick leave to care for a family member with a serious health condition.
- (2) If an employee previously has used any sick leave for general family care or bereavement purposes in the leave year, the amount must be subtracted from the 12-week entitlement (480 hours). If an employee has already used 480 hours of sick leave to care for a family member with a serious health condition, they cannot use any additional sick leave in the same leave year for general family care purposes.

d. Conditions for Administration of FMLA:

- (1) An employee must explicitly invoke their entitlement to leave under FMLA and identify whether family leave or medical leave is being requested.
 - (2) An employee must provide notice of his or her intent to take FMLA not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
 - (3) If employee was physically or mentally incapable of invoking their entitlement to FMLA leave, a personal representative can make the request. However, if both the employee and representative are incapacitated, the employee may retroactively invoke their entitlement to FMLA leave within two workdays after returning to work. In such cases, written medical certification of the incapacity and documentation explaining the inability to provide notification must be provided.
 - (4) Medical conditions must be supported through medical certification, including date condition commenced, probable duration, and a statement from the appropriate health care provider. Written medical certification must be provided within 15 days after the date requested. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 days after the date the agency requests such documentation.
 - (5) An employee may elect to substitute annual and/or sick leave as appropriate for the unpaid leave but cannot be required to do so.
 - (5) An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid leave may pay the employee share of the premiums on a current basis or pay upon return to work.
 - (6) Upon return from FMLA leave, an employee must be returned to the same or equivalent position.
4. Leave Without Pay (LWOP). LWOP is an approved absence from duty without pay. LWOP may be granted when the value to DOE or the needs of the employee are sufficient to offset the costs and administrative inconvenience that may result. Employees should be aware that LWOP could affect their entitlement to or eligibility for certain federal benefits. Employees, however, have an entitlement to LWOP as defined in DOE Order 322.1A. ADs or Managers of SC Site Offices, CH, or OR approval, with HR concurrence, is required for LWOP in excess of 30 days for an employee conducting official labor relations activities for a recognized labor organization.
5. Administrative Dismissals. Events beyond the control of management or employees, such as hazardous weather or civil disturbances; situations requiring an office to close, such as inadequate heat or air conditioning or loss of essential services, e.g.,

an electrical outage or plumbing problem; or any other comparable situation. Approval of such administrative dismissals rests with the ADs or Managers of SC Site Offices, CH or OR.

6. Absence Without Leave (AWOL). AWOL is an absence from duty not authorized by the proper leave-approving official and may be the basis for disciplinary action.
7. Court Leave. A leave of absence from duty without loss of pay or charge to leave to perform jury duty in a federal, state, or municipal court or to serve as a witness for the United States or state or local government. Court Leave is also granted to any employee who is summoned as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a state or local government is a party.
 - a. Once summoned by a State or Federal court to serve on a jury, the employee is under the jurisdiction and control of the court for the term of the jury service. However, the employee is expected to return to duty during periods when they are excused from jury duty unless impractical. As a general rule, if there are two or more hours remaining in the employee's workday, exclusive of reasonable travel time, the employee is expected to return to duty.
 - b. Employees must reimburse the Department for any fees they receive as a juror or witness. However, monies paid to jurors or witnesses that are in the nature of "expenses" (e.g., transportation) do not have to be reimbursed.
8. Excused Absence (Administrative Leave).
 - a. General – In exercising their delegated authorities to approve excused absences and absence-in duty status, supervisors, ADs or Managers of SC Site Offices, CH, or OR, shall ensure that all conditions specified in DOE O 322.1A have been met. Individual absences should never exceed the lesser of:
 - (1) The time actually required to perform the activity for which an excused absence or absence-in-duty status is authorized, or
 - (2) The maximum time specified in the approving official's delegation of authority, unless an extension is approved by higher management.
 - b. Professional Examinations – Absences-in-duty status are authorized for professional examinations which are a condition of continued employment (e.g., a bar examination for a Law Clerk). With the concurrence of HR, ADs or , Managers of SC Site Offices, CH, or OR may also approve an excused absence not exceeding three workdays, including travel time, for the purpose of taking an examination which, although it is not required as a condition of continued employment:
 - (1) Is directly related to the employee's current position and
 - (2) Will result in official certification within a profession by a recognized professional association.

- c. Emergency Situations – When the offices in a commuting area are open but an emergency situation is officially declared, tardiness which is caused by that situation (e.g., adverse road conditions) need not be approved in advance, and it will be accounted for as follows:
 - (1) Up to two hours may be excused, such as when a hazardous weather situation is officially declared.
 - (2) Tardiness in excess of two hours must be charged to annual leave, LWOP, credit hours, or accrued compensatory leave. Supervisors will ensure that this special tardiness provision is applied only when the emergency situation is the cause of an employee's late arrival. Tardiness for any other good reason may only be excused to a maximum of less than one hour, and tardiness which is unjustified should be charged as AWOL.
- d. House Hunting Trips – The Federal Travel Regulations require that an employee be granted absence-in-duty status during a "house hunting trip" prior to a change of official station. Such absences may be granted only if the following conditions are met:
 - (1) The trip was authorized in advance on official change-of-station orders. The employee must submit a copy of such orders no later than the first workday following his/her return.
 - (2) The period of absence-in-duty status does not exceed the lesser of:
 - (a) The time authorized in the orders, or
 - (b) Ten consecutive calendar days.
- e. Preventive Health Screenings – Employees may be granted up to four hours of excused absence each leave year in order to participate in preventive health screenings. Examples of preventive health screenings include, but are not limited to: screening for breast, cervical, colorectal, and prostate cancer; sickle cell anemia; blood lead level; blood cholesterol level; immune system disorders (such as HIV); and blood sugar level testing for diabetes.
- f. Community Service Activities – Excused absence for a community service activity may be authorized when the activity is directly related to DOE's mission, is officially sponsored or sanctioned by the Secretary, or will clearly enhance an employee's professional development or skills in his/her current position. Reasonable limits are to be established based on the activity. Requests of more than one hour are to be approved by the ADs or Managers of SC Site Offices, CH, or OR.
- g. Blood Donations - Employees can request up to four hours of administrative leave to travel to and from a blood donor site, donate whole blood or platelets, and recover. Besides the donation of whole blood, donors can also donate platelets (the cellular components that stop bleeding) by a procedure called apheresis. Platelets are needed by patients with cancer or leukemia, transplant patients and people with blood disorders, such as aplastic anemia.

- h. Employee Assistance Program (EAP) - Supervisors are encouraged to grant up to two hours of administrative leave to their employees in order for them to participate in counseling sessions with an EAP counselor. Employees should attempt to schedule counseling sessions in order to provide the least disruption to their work day. However, if due to scheduling the need arises to be away from the workplace, the employee should request the administrative leave. Supervisors are reminded to respect the privacy of employees when they request administrative leave for EAP counseling.
- 9. Funeral Leave. Funeral leave, not to exceed three workdays, may be granted to an employee whose immediate relative dies as a result of wounds, disease, or injury incurred as a member of the Armed Forces in a combat zone. (Note: Bereavement absences are covered under Sick Leave)
- 10. Leave for Maternity Reasons. This is not a separate leave category; it is a period of authorized absence for childbirth, recuperation, and bonding with the newborn which may be charged to sick leave, annual leave, LWOP, or a combination of these types of leave depending on the length of the absence. An OPM-71 or request in ATAAPS along with medical certification stating the expected dates of confinement for delivery and recuperation must be provided for the period of leave used.
- 11. Military Leave.
 - a. An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reservist of the Armed Forces. Any full time employee whose appointment is not limited to one year is entitled to military leave.
 - b. Employees are eligible for 15 calendar days per fiscal year for active duty, active duty training and inactive duty training under 5 United States Code (U.S.C.) 6323(a). An employee can carry over a maximum of 15 days into the next fiscal year. Inactive Duty Training is authorized training performed by members of a reserve component not on active duty and performed in connection with the prescribed activities of the reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.
 - c. Employees are eligible for 22 calendar days of military leave per calendar year for emergency duty as ordered by the President, the Secretary of Defense or State Governor under 5 U.S.C. 6323(b). This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.
 - d. Employees who are members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under title 39 of the District of Columbia Code are entitled to unlimited military leave under 5 U.S.C. 6323(c).
 - e. Employees who serve as Reserve or National Guard Technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions under 5 U.S.C. 6323(d).

- f. An employee may use military leave only for hours that the employee would otherwise have worked and received pay. The minimum charge to military leave is one hour.
- g. A full-time employee working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under 5 U.S.C. 6323(a) will be prorated for part-time employees based on the number of hours in the employee's regularly scheduled workweek.
- h. An employee's civilian pay remains the same for periods of military leave under 5 U.S.C. 6323(a). For military leave under 5 U.S.C. 6323(b) and (c), employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both civilian and military pay. Also, employees are entitled to use annual leave or military leave intermittently with LWOP while on active duty or active/inactive duty training.

12. Voluntary Leave Transfer Program

- a. An employee may make written application to become a leave recipient on OPM Form 630. Requests for the Voluntary Leave Transfer Program must be approved by HR with concurrence from the employee's supervisor. After an employee is approved as a leave recipient, other Federal employees may donate annual leave directly to that Federal employee who has a personal or family medical emergency that is expected to be at least 24 hours and who has exhausted his or her available paid leave. On behalf of the approved leave recipient, a solicitation for donated leave will be sent out by their servicing HR office to HR Offices at SC-Headquarters, CH and OR for distribution to all SC employees, unless the leave recipient submits a written request to otherwise limit the distribution.
- b. A leave recipient may use annual leave transferred to their account only for the purpose of a medical emergency for which the leave recipient was approved.
- c. There is no limit on the amount of donated leave that an employee can receive. However, any unused donated leave must be returned to the leave donors when the medical emergency ends.
- d. In any leave year an employee may donate no more than one-half of the amount of annual leave they would accrue during a leave year. For employees with "use or lose" annual leave, the employee may donate the lesser of one-half of the annual leave they would accrue in a leave year or the number of hours remaining in the leave year for which the employee is scheduled to work and receive pay.
- e. A leave recipient can accrue no more than 40 hours of annual leave and 40 hours of sick leave in "set-aside" accounts. This leave will be transferred to the employee's regular leave account when the medical emergency ends or if the employee exhausts all donated leave.

13. General Compensatory Leave.

Premium pay provisions under Title 5, U.S.C., and under the Fair Labor Standards Act (FLSA) do not apply to compensatory overtime work performed to make up for absences for religious observances.

Provisions for the payment, scheduling, and requesting use of compensatory time, and the statutory limit on overtime earnings are described in DOE O 322.1A. These provide that, with certain exceptions, i.e., compensatory time for travel; employees are required to use compensatory time to their credit by no later than the 26th pay period following the pay period in which it was earned, or they will be paid for it at the end of that period, or it will be forfeited (depending on their exempt/non-exempt status).

Use of compensatory leave that has been properly approved and earned may be requested in the same manner as annual leave.

13. Compensatory Time for Travel –Federal employees are entitled to receive compensatory time off for time they spend traveling for official purposes during off-duty hours.

Compensatory time for travel may be earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Employees who earn compensatory time for travel are required to use this time within 26 pay periods of when it is earned, otherwise it is forfeited. The law specifically prohibits payment for unused compensatory time for travel.

Some important details to keep in mind related to these new rules:

- a. To qualify for compensatory time the travel must be officially authorized for work purposes. Travel outside the normal workday should only be approved by supervisors if it could not have been scheduled at another time. The use of earned compensatory time for travel must be requested by an employee and approved by the supervisor in advance.
- b. Employees are only entitled to earn compensatory time for travel when traveling outside their regular duty hours in a travel status.
- c. DOE established that "usual waiting time" at a departing airport or train terminal is the actual waiting time up to two hours for a domestic flight or three hours for an international flight, reduced by any time during the employee's regular duty hours. The time begins when the employee is physically in the terminal, including waiting in line to check in and/or clear security, but not in the parking lot or traveling from the parking lot to the terminal.
- d. If an employee experiences an "extended" waiting period due to a delayed or cancelled flight or train, the employee is free to rest, sleep, or otherwise use the time for his or her own purposes and the waiting time outside the employee's regular working hours is not creditable time in a travel status.

- e. The only time that an employee's normal commuting time is deducted from the time spent traveling outside of regular working hours to or from a transportation terminal is when the terminal is outside the limits of the employee's official duty station. An employee's time spent traveling outside of regular working hours to or from a transportation terminal within the limits of the official duty station is considered equivalent to commuting time and is not creditable time in a travel status for the purpose of earning compensatory time for travel. The Department has established the limits of the employee's official duty station to be 50 miles which is consistent with the limits for determining per diem in the Federal Travel Regulations and DOE Order and Manual 552.1. The 50 miles is determined from the worksite, not the employee's residence, to a terminal.
- f. When an employee travels between a worksite and a transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies.
- g. Compensatory time for travel should be reported by the date that an employee's travel voucher is completed. It should be reported during the pay period in which it is earned or used to the extent possible to avoid a supplemental time record. Compensatory time for travel may be denied if not reported on time in accordance with Title 5 Code of Federal Regulations (CFR) 550.1405(b).
- h. When an employee's travel involves two or more time zones, the time zone from point of first departure must be used to determine how many hours the employee actually spent in a travel status for the purpose of accruing compensatory time for travel.
- i. Credit for compensatory time for travel is authorized for DOE employees in 15 minute increments. ATAAPS includes the codes "CB" for earned compensatory time for travel and "CF" for used compensatory time for travel.

A worksheet is available, which may be completed by employees to compute the amount of compensatory time for travel earned. The worksheet should be completed and signed by employees to certify the accuracy of the information. Upon completion of this worksheet or equivalent documentation to calculate the compensatory time for travel that has been earned, it should be maintained by the employee and the timekeeper as part of the employee's official time and attendance records.

14. Absences for Religious Observances – The adjustment of work schedules for religious observances will follow the guidelines of Title 5 CFR Part 550, Subpart J.

To the extent that modifications in work schedules do not interfere with the efficient accomplishment of the Agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee can meet the religious obligation. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including overtime pay and compensatory pay).

Employees may work compensatory overtime either before or after the absence being made up. When the absence is granted in advance, the employee has 26 pay periods to make up the time or it will be charged to annual leave or LWOP.

The concurrence of HR is required when any request is denied.